

**GENESEE COUNTY
NOTICE OF PUBLIC
HEARING**

PLEASE TAKE NOTICE,

The Byron Town Board will hold a public hearing on Wednesday, April 8, 2026 at 6:00pm. Meeting will be held at the Byron Town Hall located at 7028 Route 237, Byron NY 14422.

The purpose of this public hearing is to discuss the proposed local law:

**LOCAL LAW
NO. 2 OF 2026
A LOCAL LAW
ESTABLISHING
A TEMPORARY
MORATORIUM ON
RENEWABLE ENERGY
PROJECTS IN THE
TOWN OF BYRON
BE IT ENACTED BY THE
BYRON TOWN BOARD
AS FOLLOWS:**

1. Title and Authority

- This Local Law shall be known as the "2026 Town of Byron Renewable Energy Project Moratorium Law." It is adopted pursuant to Article IX of the New York State Constitution and Municipal Home Rule Law Section 10.

2. Purpose - The Town Board of the Town of Byron recognizes the continued interest in renewable energy projects in the Town of Byron. The town board is of the opinion that a period of time is necessary to review the current code and to evaluate and determine whether additional regulations are needed to preserve and protect the health, safety and welfare of the citizens of the Town of Byron.

3. Application - This Local Law shall supersede and suspend those provisions of the Zoning Code, or other codes, of the Town of Byron related to applications for, the review of applications for, or the issuance of approvals or permits for, the construction of any renewable energy project within the Town of Byron and applicable provisions of the zoning code of the Town of Byron that require the planning board and/or town code enforcement officer to accept, process,

review and approve applications for special use permits for similar, and related, land use applications in the town of within certain statutory time periods.

4. Moratorium and Term - The town board hereby imposes a moratorium on accepting, processing or reviewing applications for any renewable energy projects on any parcel within the Town of Byron after March 1, 2026, for period beginning on the effective date of this Local Law and continuing until the last non-weekend/non-holiday day of the month six (6) months from the date of Local Law. During the initial six month period, and any extension thereof, the Town of Byron shall not process, consider or approve any application, permit, site plan, special exception use permit, variance, building permit or other approval related to the construction, installation or expansion of any renewable energy project in the Town of Byron.

5. Extension - This moratorium may be extended for such additional periods as the town board may determine to be necessary to protect the public health, safety and welfare of the citizens of the town and accomplish the stated purposes and intent of this local law.

6. Termination - This moratorium may be terminated earlier than its expiration date upon enactment of additional local legislation governing short-term rental within the town or at the discretion of the town board.

7. Severance - The invalidity of any section, clause, sentence, or provision of this local law shall not affect, impair or invalidate the remainder thereof.

8. Repeal of Other Laws - This Local Law is intended to supersede any inconsistent provision of the Town of Byron Code or other local enactments for the duration of the moratorium, including any extension, to the extent

permitted by law.

9. Effective Date - This local law shall take effect immediately upon filing by the office of the New York State Secretary of State or as otherwise provided by law.

PLEASE TAKE NOTICE,

The Byron Town Board will hold a public hearing on Wednesday, April 8, 2026 at 6:30pm. Meeting will be held at the Byron Town Hall located at 7028 Route 237, Byron NY 14422.

The purpose of this public hearing is to discuss the proposed local law:

**LOCAL LAW NO. 3 OF
2026**

**A LOCAL LAW
ESTABLISHING
A TEMPORARY
MORATORIUM ON
BATTERY ENERGY
STORAGE SYSTEM
(BESS) FACILITIES IN
THE TOWN OF BYRON
BE IT ENACTED BY THE
BYRON TOWN BOARD
AS FOLLOWS:**

1. Title and Authority

- This Town of Byron Local Law shall be known as the "2026 Temporary Moratorium Law on Battery Energy Storage System (BESS) Facilities." This law is enacted pursuant to Article IX of the New York State Constitution, Municipal Home Rule Law Section 10 and the Town Law of the State of New York.

2. Purpose - The Town of Byron believes Battery Energy Storage System (BESS) Facilities present emerging land use, fire safety, environmental and emergency response considerations that continue to evolve at the state and national levels. The Town of Byron believes it is necessary to study and review many aspects of Battery Energy Storage Facilities, including, but not limited to, concerns of lithium-ion battery overheating, the potential for inextinguishable fires and air and groundwater contamination. Concerns exist including, but not limited to, fire suppression and emergency response protocols for BESS facilities, the availability

of appropriate firefighting equipment and resources, coordination among state agencies with jurisdiction over BESS facilities and the need to ensure that local land use regulations remain consistent with evolving state guidance and safety standards.

This moratorium will allow the town to review concerns, identify the potential threats and consider legislation to regulate and promote the safe development of BESS facilities. These efforts are undertaken to promote and protect the health, safety and welfare of the citizens of the Town of Byron.

1. Application - This Local Law shall supersede and suspend those provisions of the Zoning Code, or other codes, of the Town of Byron related to applications for BESS facilities in the Town of Byron and applicable provisions of the zoning code of the Town of Byron that require the planning board and/or town CEO to accept, process and approve applications for special use permits for similar and related land use applications in the town of within certain statutory time periods.

2. Moratorium and Term - The town board hereby imposes a moratorium on BESS facilities projects on any parcel within the Town of Byron, for period beginning on the effective date of this Local Law and continuing until the last non-weekend/non-holiday day of the month six (6) months from the date of Local Law. During the initial six month period, and any extension thereof, the Town of Byron shall not process, consider or approve any application, permit, site plan, special exception use permit, variance, building permit, or other approval related to the construction, installation or expansion of any BESS project in the Town of Byron.

The term, "Battery Energy Storage System (BESS)" shall mean one or more devices or systems, whether assembled or installed together, or

separately, capable of storing electrical energy for later use or discharge, including batteries, battery modules, associated power conversion equipment, control systems, safety systems, enclosures and related equipment. The term shall not include a stand-alone 12volt automotive battery or an electric motor vehicle.

1. Extension – This moratorium may be extended for such additional periods as the town board may determine to be necessary to protect the public health, safety and welfare of the citizens of the town and accomplish the stated purposes and intent of this local law.

2. Limited Waivers – Notwithstanding any other provision of this Local Law, the Town of Byron Board may, in its sole discretion, vary, modify or waive the application of any provision of this Local Law by resolution, after a public hearing, upon a finding that (i) strict application of the Local law would impose practical difficulties or an extraordinary hardship upon an applicant; (2) that the relief granted would not adversely affect the health, safety or welfare of the citizens of the town and (ii) that such relief would not be inconstant with the general purpose of this Local Law. The town board may impose such conditions and limitations on any relief granted as it deems necessary to ensure consistency with the purpose of this Local Law.

3. Termination – This moratorium may be terminated earlier than its expiration date upon enactment of additional local legislation governing short-term rental within the town or at the discretion of the town board.

4. Severance – The invalidity of any section, clause, sentence, or provision of this local law shall not affect, impar or invalidate the remainder thereof.

5. Repeal of Other

Laws – This Local Law is intended to supersede any inconsistent provision of the Town of Byron Code or other local enactments for the duration of the moratorium, including any extension, to the extent permitted by law.

6. Effective Date – This local law shall take effect immediately upon filing by the office of the New York State Secretary of State or as otherwise provided by law. **Regular Town Board Meeting Immediately Following Public Hearing**